

## **Remarks**

### **Status of the Claims**

Claims 1-36 were pending in the application. All claims stand rejected. By this paper, claims 1-9, 11-26, and 28-34 have been amended, and claims 10, 27, and 35-36 have been canceled without prejudice or disclaimer. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

### **Claim Rejections – 35 U.S.C. § 112**

Claims 1-36 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, page 3 of the Office Action asserts that it “remains unclear who or what denies the user from access to the data source or how this information is obtained.” Although Applicant does not agree that the claims were “missing a key step,” Applicant has amended claim 1 herein to include, among other things:

determining that the user is denied access to the first online audio stream source, wherein the determination that the user is denied access is based on a comparison of the first online audio stream source to at least one current subscription package associated with the user, and wherein the comparison indicates that the first online audio stream source is not included in any of the at least one current subscription package...

Applicant has amended independent claim 18 with similar limitations. Accordingly, Applicant requests that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

### Claim Rejections - 35 U.S.C. § 103

Claims 1-36 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,574,465 issued to Marsh et al. ("Marsh") in view of U.S. Patent No. 7,206,765 issued to Gilliam et al. ("Gilliam"). This rejection is respectfully traversed. As set forth below, Applicant respectfully submits that each of the pending claims is patentably distinct from the cited references, individually and collectively.

Applicant has amended the claims herein to clarify that the claims are directed to managing a plurality of subscriptions to online audio stream sources. See, e.g., page 3, first paragraph, of the present application. As discuss in the first and second paragraphs of page 1 of the present application:

Online data sources (e.g., **audio streams**, video streams, a/v streams, data services, message feeds, and web sites, for example) are becoming increasingly popular. Typically, a user is required to pay a subscription fee (e.g., one-time fees, monthly fees, and annual fees, for example) to access these data sources. Often, subscription packages are offered to users that **bundle various data sources together**, providing the user with access to multiple data sources while paying only one access fee.

Unfortunately, as the number of subscriptions that a user subscribes to increases, **subscription management becomes increasingly cumbersome**, in that a user might subscribe to a complete higher-priced package instead of a lower-priced upgrade package. This in turn may result in subscription redundancy and, ultimately, the consumer overpaying.

(Emphasis added). Thus, because it is increasingly cumbersome to manage an increasing number of subscriptions, the present invention automatically identifies upgrade packages that would allow a user to access a desired online audio stream source, for which the user currently does not have permission to access.

Further, the present invention determines upgrade costs based on the value of required authorizations already possessed by the user. For example, a particular upgrade package may include access to one or more online audio stream sources that the user already has permission to access through current subscription packages. Thus, as discussed in the last full paragraph on page 6 of the present application:

When determining the upgrade cost of each package, identification module 32 may also **discount** 256 the undiscounted cost (with or without adjustment for prerequisite packages) based on the value associated with the **authorizations already possessed by the user** 12.

(Emphasis added). Applicant respectfully submits that Marsh and Gilliam, either individually or when combined, do not teach or suggest these features the claims, as amended herein.

1. Marsh and Gilliam, either individually or when combined, do not teach or suggest, in response to determining that a user is denied access to a first online audio stream, identifying one or more upgrade packages that would allow access.

As discussed above, the present invention is directed to managing one or more of subscriptions to online audio stream sources. When a user's request for access to a first online audio stream source is denied, the claims require identifying one or more upgrade packages that would allow the requested access. Accordingly, claim 1 has been amended herein to recite, among other things:

electronically receiving information indicative of a request by a user for access to a first online audio stream source;

determining that the user is denied access to the first online audio stream source, wherein the determination that the user is denied access is based on a comparison of the first online audio stream source to at least one current subscription package associated with the user, and wherein the comparison indicates that the first online audio stream source is not included in any of the at least one current subscription package;

***in response to the determination that the user is denied access*** to the first online audio stream source, ***identifying one or more***

***upgrade packages that would allow the user to access the first online audio stream source*** for a predetermined period of time; and  
determining an upgrade cost associated with each of the identified  
upgrade packages....

(Emphasis added). Similar limitations are found in amended independent claim 18. Applicant respectfully submits that neither Marsh nor Gilliam make a response to a determination that access is denied by identifying upgrade packages. Rather, Marsh and Gilliam are silent as to the subject matter of the amended claims.

Marsh describes “a system and method for analyzing wireless communication data for determining an optimal wireless communication service plan.” Abstract. Marsh’s system “provides an analysis of periodically loaded wireless service usage of a given account or subscriber....” Col. 8, lines 31-33. However, Marsh does not indicate that the determination of an optimal wireless communication service plan is in response to determining that access to a particular online audio stream source, or to any other service or data source, is denied. Rather, the determination of the optimal wireless communication service plan is simply repeated on a periodic basis. See, block 180 in FIG. 3. Indeed, page 5 of the Office Action concedes that Marsh does not determine if the user has access to a data source. Thus, because Marsh does not know or care that access is denied, it stands to reason that Marsh does not determine one or more upgrades that would provide access to the denied data.

Gilliam is also silent as to responding to a determination of denied access by identifying upgrade packages that would allow access to the denied data. Rather, Gilliam describes a method and system for “enforcing rights expressions specifying manners of use of an item.” Col. 3, lines 7-8, 20-21. Gilliam is directed to comparing rights expression to determine whether access will be granted or denied. Col. 41, line

52 to col. 42, line 3. As shown in FIG. 9 of Gilliam, the enforcement process of Gilliam ends when access is either granted or denied. Gilliam is silent as to executing the claimed operations after access is denied.

2. Marsh and Gilliam, either individually or when combined, do not teach or suggest determining an upgrade cost based on a value of required authorizations already possessed by the user.

Claim 1 has been amended herein to recite, among other things:

determining an upgrade cost associated with each of the identified upgrade packages,

wherein for each identified upgrade package the determination of the upgrade cost is ***based at least in part upon a value associated with a list of required authorizations already possessed by the user***, through the at least one current subscription package, for access to one or more second online audio stream sources included in the identified upgrade package, and

wherein the upgrade cost associated with each of the identified upgrade packages is ***discounted*** for the required authorizations already possessed by the user.

(Emphasis added). Similar limitations are found in amended independent claim 18.

Applicant respectfully submits that neither Marsh nor Gilliam determine an upgrade cost that is discounted for required authorizations already possessed by the user.

With reference to Marsh, col. 7, line 22 to col. 8, line 50, pages 4 and 5 of the Office Action assert that

when plan choices are evaluated a user stored information is reviewed; for example, “zip codes, symbolic of where the user can purchase service (at least their home zip code and possibly one or more zip codes of locations for the user’s place of employment) from the user profile are used to find packages”; packages are organized from lowest cost to highest cost)

However, while the costs of different service plans may be based on zip codes, Marsh does not teach or suggest basing the costs on required authorizations already

possessed by the user. Further, Marsh does not teach or suggest discounting the cost of a plan based on authorizations already possessed by the user.

Applicant respectfully submits that Gilliam is silent as to determining upgrade costs associated with identified upgrade packages.

### **Conclusion**

For at least the foregoing reasons, the cited prior art references, whether considered individually or in combination, fail to disclose each of the limitations in any of the pending independent claims. For at least the same reasons, each of the claims depending therefrom are also patentably distinct from the cited prior art.

In view of the foregoing, all pending claims represent patentable subject matter. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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